HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P. (S) No. 897 of 2007

Petitioner		P. R. Jhangde, S/o Amol Das Jhangde, Aged about 55 years, Presently posted an working as Sub Divisional Officer (Forest)/Assistant Conservator of Forest, Janjgir, District – Janjgir-Champa (CG).
	Versus	
Respondents	1.	State of Chhattisgarh, Through the Secretary, Department of Forest, D.K.S. Building, Mantralaya, Raipur, Chhattisgarh.
	2.	Chief Conservator of Forest, Raipur (CG).
	3.	Conservator of Forest, Bilaspur (CG).

WRIT PETITION UNDER ARTICLES 226 OF THE COSTITUTION OF INDIA

SB: Hon'ble Mr. Justice **Satish K. Agnihotri**

Shri B. D. Guru, Advocate for the petitioner.

Smt. Anju Ahuja, Deputy Govt. Advocate for the respondents.

ORDER

(Passed on this 17th day of April, 2007)

1. The petitioner, by this petition impugns the order dated 4th February, 2007 (Annexure P/1), whereunder the petitioner has been transferred from the post of Sub Divisional Officer (Forest), Janjgir Champa to District Union, Rajya Laghu Vanopaj Sangh Jagdalpur, on deputation.

2. On reading of the impugned order, it appears that this is not a case of transfer but it is a case of deputation to Rajya Laghu Vanopaj Sangh, as is evident from the remark 'on deputation', mentioned for the officer, whose name is placed at serial No. 13 (Shri T. B. Singh) and at serial No. 15 (Shri Padmakar Rawat) in the impugned order dated 4th February, 2007.

3. Learned counsel appearing for the petitioner submits that for sending the petitioner on deputation no consent of the petitioner was obtained.

4. Pursuant to the notice issued by this Court, the respondents have filed their return which is supported by the affidavit of Shri Rajesh Nanhoriya, Divisional Forest Officer, Champa. In para 8 of the return, while replying the contents of Para 5.5 of the petition, it was clearly stated, as under:-

> ".....it is submitted that the petitioner has been transferred on deputation, therefore, there was no occasion for the answering respondents to consider the option of the petitioner."

5. The respondents have not controverted the averments of the petitioner to the effect that the deputation order was passed without obtaining consent of the petitioner. It is well settled principle of law that if an employee is sent on deputation, prior consent of the concerned employee should be taken.

6. In view of the foregoing averments made by the respondents, the petition deserves to be allowed.

7. As a result, the impugned order dated 4.2.2007 (Annexure P/1), in respect of the petitioner, is quashed. The petition is allowed, accordingly, with cost quantified to be a sum of Rs. 2000/- (Two thousand), payable to the High Court Legal Services Committee, Bilaspur, within a period of two weeks. The same is recoverable from the officers responsible for passing the impugned order and filing affidavit.

Sd/-
Satish K. Agnihotri
Judge

Thakur